

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

TONY SHANE PETERS, #710206 §
VS. § CIVIL ACTION NO. 9:10cv41
DIRECTOR, TDCJ-CID §

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner Tony Shane Peters, an inmate confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered petition for a writ of habeas corpus complaining about his disciplinary case for use or possession of contraband in Case Number 20090081434. The petition was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the motion to dismiss (docket entry #16) by the Director, TDCJ-CID, should be granted and the Petitioner's petition should be denied and dismissed with prejudice as time-barred and that a certificate of appealability should be denied. No objections having been filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is therefore

ORDERED that the Director, TDCJ-CID's motion to dismiss (docket entry #16) be **GRANTED**. It is further

ORDERED that Petitioner's petition for a writ of habeas corpus is **DENIED** and this case is hereby **DISMISSED** with **PREJUDICE** as time-barred. It is further

ORDERED that a certificate of appealability is hereby **DENIED**. It is finally

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **24** day of **August, 2010**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge